SINGLE BENCH

O.C. book

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BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3299 Of 2005.

PETITIONER
PLAINTIFFS :-

1. Abdul Aziz, Son of Abdul Kuddus, aged 42 years, Caste Muslim,
2. Abdul Rasid, son of Abdul Kuddus, aged 33 years,
3. Abdul Latif, son of Abdul Kuddus, aged 27 years,
4. Meharunnisha, daugher of Ahmed, aged 22 years,

All resident of Village Kachhod, P.S. Kelhari, Tahsil Manendragarh, District Korea (Chhattisgarh),

5. Sharifunnisha, daughter of Abdul Kuddus, aged 25 years,
6. Hakikunnisha Parvin, daughter of Abdul Kuddus, aged 22 years,

Petitioner no. 5 and 6 resident of Janakpur, Tahsil Bharatpur, District Korea (Chhattisgarh) present resident of Village Kachhod, Tahsil Manendragarh, District Korea (Chhattisgarh).

P.R. No. 3403/05
Presented by Shri P.Parvez
dated 19/7/05

V E R S U S

RESPONDENTS :-

1. Sarguja Jila Sahkari Bhoomi Vikas Bank Maryadit, Through Manager, Ambikapur District Sarguja (Chhattisgarh),
2. Branch Manager, Sarguja Jila Sahkari Bhoomi Vikas Bank Maryadit, Branch Manendragarh, Tahsil Manendragarh, District Korea (Chhattisgarh),

उपायुक्त बिलासपुर तहसील कोर्ट

3. Sales Officer, Sarguja Jila Sahkari Bhoomi Vikas Bank Maryadit, Branch Manendragarh, Tahsil Manendragarh, District Korea (Chhattisgarh),
4. Assistant Registrar, Co-operative Societies, Korea (Chhattisgarh),

DEFENDENTS

5. Nitesh Kumar, son of Nirmal Jain, Co-operative Bank Manager, Branch Kelhari, Manendragarh, District Korea (Chhattisgarh),
6. M.S. Alam, Clerk, Co-operative Bank, Manendragarh, District Korea (Chhattisgarh).

PURCHASERS

PETITION UNDER ARTICLE 226 & 227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.3299/ **सन्** **2005**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

27.7.2005

Shri H.B. Agarwal, Sr. Cousnel with Shri Pankaj Agarwal, counsel for the petitioner.

Heard.

The main grievance of the petitioner is that he has filed a civil suit along with an application for grant of temporary injunction restraining the respondents from aucitioning the suit land till disposal of the suit, which is pending since 28.4.04 in the Court of learned Additional District Judge, Manendragarh. However, during the pendency of that application, on 27.6.2005 the Tehsildar, Manendragarh had auctioned the suit land, which was mortgaged by deceased Azizunnisha against the loan taken by him for the purchase of tractor.

Counsel for the petitioner submits that post of learned Additional District Judge, Manendragarh is lying vacant and on account of that the application filed by the petitioner under Order 39 Rules 1 & 2 read with Section 151 of the CPC is not being taken up for hearing and in the course of time respondent No.3 has auctioned the land. He further submits that now if action of the respondents is not stayed then the sale will be confirmed and possession will be given to the purchaser without decision of the said application filed by the petitioner.

I fail to understand that why such urgent application is not being decided. Even if, the court is lying vacant it is the duty of District Judge to assign work to some other Additoinal District Judge for taking up the urgent matters and applications. Since the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3299/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner has directly approached this Court and his temporary injunction application is still pending before the court below, therefore, it is appropriate to direct the District Judge, Ambikapur to make administrative arrangements so that urgent matters may be taken up for hearing at the earliest and also the application moved by the petitioner herein under Order 39 Rule 1 & 2 r/w Section 151 of the CPC and till the application of the petitioner is decided, further proceedings of sale is stayed.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2711/05 and I.A. No.6267/05 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

(पीछे देखिये)